

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 3734	<div style="border: 1px solid black; padding: 10px;"> <p align="center"><u>CERTIFICATE OF MAILING</u> <u>UNDER 37 C.F.R. § 1.8</u></p> <p>DATE OF DEPOSIT: <u>12/16/10</u></p> <p>I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being submitted on the date indicated above via:</p> <p><input checked="" type="checkbox"/> EFS Web</p> <p><input type="checkbox"/> facsimile to _____</p> <p><input type="checkbox"/> the United States Postal Service with sufficient postage as first class mail addressed to: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p align="right">_____ /Kelley Warner/ Kelley Warner</p> </div>
EXAMINER: Jennifer L. Hornberger	
FIRST NAMED INVENTOR: Earl C. Downey	
SERIAL NO.: 10/551,363	
FILED: 9/28/2005	
CONF. NO.: 3075	
FOR: SURGICAL INSTRUMENT WITH TRIGGER CONTROL	
DOCKET NO.: 01630-21317.PCT.US	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§ 1.56, 1.97 and 1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement, which is being submitted in accordance with:

- ☐ 37 C.F.R. § 1.97(b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;
- ☐ 37 C.F.R. § 1.97(c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by **EITHER** a statement in accordance with 37 C.F.R. § 1.97(e), **OR** the fee set forth in 37 C.F.R. § 1.17(p); or
- ☒ 37 C.F.R. § 1.97(d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by **BOTH** a statement in

accordance with 37 C.F.R. § 1.97(c), **AND** the fee set forth in 37 C.F.R. § 1.17(p).

SUBMISSIONS

Please find enclosed, pursuant to 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form **PTO/SB/08A** and/or **PTO/SB/08B** listing 3 references submitted for consideration, which contains a list of all patents, publications and all other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c).
- ☐ Legible copies of the listed non-patent documents, unpublished U.S. applications and foreign documents or their relevant portions are included.
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98 are included.
- ☐ For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

Copies of references listed on the enclosed PTO/SB/08A and/or PTO/SB/08B are **not** enclosed:

- ☐ because, under 37 C.F.R. § 1.98.(d), they were previously cited by or submitted to the Office in application number _____, which is relied upon for an earlier filing date under 37 C.F.R. § 1.20.
- ☐ because they are substantially cumulative of an enclosed reference.

STATEMENT IN ACCORDANCE WITH 37 C.F.R. § 1.97(c)

☐ I hereby certify that each item contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☒ I hereby certify that no item contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

REMARKS

While no representation is made that any of these references may be “prior art” within the meaning of that term in accordance with 37 C.F.R. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☒ EFT in the amount of \$ 180.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(c), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Dated this 16 day of December, 2010.

Respectfully submitted,

/Christopher L. Johnson/

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